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19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 SAN FRANCISCO DIVISION

22) ST. FRANCIS MEMORIAL

HOSPITAL AND FRANKLIN)
23 BENEVOLENT CORPORATION)
f/k/a DAVIES MEDICAL CENTER,)

24)
Plaintiffs,)

25 v.)

26 MICHAEL O. LEAVITT, Secretary,)

U.S. Department of Health and)

27 Human Services,)

28 Defendant.)

NO. C 08-1440 (MMC)

STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING THE BRIEFING
SCHEDULE AND CONTINUING THE
STATUS CONFERENCE

1 Pursuant to LCvR 6-2 and 7-12, Defendant, Michael O. Leavitt, the Secretary of Health and
2 Human Services (“the Secretary”) and Plaintiffs, St. Francis Memorial Hospital and Franklin
3 Benevolent Corporation f/k/a Davies Medical Center, by and through their undersigned
4 counsel, respectfully Stipulate and request that the Court modify the current deadlines for:
5 Plaintiffs’ Motion for Summary Judgment, Defendant’s Opposition and Cross Motion for
6 Summary Judgment, Plaintiff’s Opposition and Reply, and Defendant’s Reply, and to
7 reschedule the Status Conference which is currently set for March 13, 2009, as follows:

8 1. Plaintiffs shall have up to and including December 12, 2008 to file their Motion for
9 Summary Judgment; and

10 2. Defendant shall have up to and including to January 16, 2009 to file his Opposition and
11 Cross Motion for Summary Judgment; and

12 3. Plaintiffs shall have up to and including March 6, 2009 to file their Opposition and
13 Reply; and

14 4. Defendant shall have up to and including April 8, 2009 to file his Reply; and

15 5. The Status Conference in this case which is currently set for March 13, 2009 will be
16 rescheduled until an appropriate time to be determined by this Court..

17 6. Counsel for Plaintiffs and Defendant are currently discussing the possibility of staying
18 this case as well as another case, Glendale Memorial Hosp. and Health Ctr. v. Leavitt,
19 CV08-1747 (MMM) (AGRx) (C.D. Cal.), pending the final administrative and judicial
20 disposition of a Group Appeal which is now pending before the Provider Reimbursement
21 Review Board (“PRRB”). Counsel for Plaintiffs are waiting to receive an indication from
22 the PRRB as to the time frame within which the PRRB expects to render a decision in the
23 Group Appeal, and have asked the PRRB to advise them as to when it might rule on the
24 Group Appeal. The requested modification of the briefing schedule is intended to both
25 facilitate the parties’ negotiations regarding a possible stay and to provide the PRRB
26 sufficient time within which to give some indication of when it might rule on the Group
27 Appeal. While the parties cannot guarantee that they will be able to reach agreement on a
28 stay, they are hopeful that they will be able to do so.

7. This request is made in good faith and not for purposes of delay.

8. There are no other previously scheduled deadlines in this Case.

1 ACCORDINGLY, THE PARTIES hereby stipulate and agree that:

2 1. Plaintiffs shall have up to and including December 12, 2008 to file their Motion for
3 Summary Judgment in this action; and

4 2. Defendant shall have up to and including to January 16, 2009 to file his Opposition
5 and Cross Motion for Summary Judgment; and

6 3. Plaintiffs shall have up to and including March 6, 2009 to file their Opposition and
7 Reply Motion for Summary Judgment; and

8 4. Defendant shall have up to and including April 8, 2009 to file his Reply to
9 Plaintiffs' Opposition to Defendant's Cross Motion for Summary Judgment; and

10 5. The Status Conference in this case which is currently set for March 13, 2009 will be
11 rescheduled until an appropriate time to be determined by this Court.

12 The filer of this document, Kenneth R. Marcus, attests that concurrence in the filing of
13 this document has been obtained from each of the other signatories.

14 Respectfully submitted,

15
16 LAW OFFICES OF GARY E. GLEICHER

JOSEPH P. RUSSONIELLO
United States Attorney

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18 /s/
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27 STIPULATION AND [PROPOSED] ORDER MODIFYING THE BRIEFING SCHEDULE AND
CONTINUING THE STATUS CONFERENCE

28 - Case No. 08-1440 MMC

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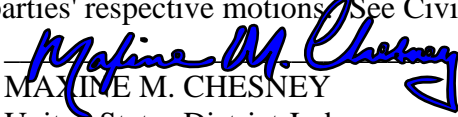
9
10 Dated: October 29, 2008

 /s/_____
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 Attorneys for Federal Defendant

 Dated: October 29, 2008

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12 PURSUANT TO STIPULATION, IT IS SO ORDERED. Further, unless the parties are otherwise
13 advised, no hearing will be conducted on the parties' respective motions. See Civil L. R. 16-5.
14 Dated: October 30, 2008


 MAXINE M. CHESNEY
 United States District Judge
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27 STIPULATION AND [PROPOSED] ORDER MODIFYING THE BRIEFING SCHEDULE AND
28 CONTINUING THE STATUS CONFERENCE
 - Case No. 08-1440 MMC